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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

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7 WELLS FARGO BANK,

8 Plaintiff(s),

9 v.

10 WESTCOR LAND TITLE INSURANCE  
11 COMPANY,

12 Defendant(s).

Case No. 2:21-CV-326 JCM (BNW)

ORDER

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14 Presently before the court is defendant Westcor Land Title Insurance Company's  
15 ("Westcor") motion to stay this case pending resolution of the so-called *Wells Fargo II*  
16 appeal, *Wells Fargo Bank, N.A. v. Fidelity National Title Ins. Co.*, Ninth Cir. Case No. 19-  
17 17332, Case No. 3:19-cv-00241-MMD-WGC. (ECF No. 24).

18 Plaintiff Wells Fargo does not oppose a stay albeit for different reasons than Westcor.  
19 (ECF No. 26). Wells Fargo says the *Wells Fargo II* appeal will not be helpful in resolving  
20 this case. (*Id.* at 2). Unlike the *Wells Fargo II* appeal, this case turns on the "custom,  
21 practice, and trade usage arising out of the title insurance industry and Westcor's own  
22 internal endorsement manuals." (*Id.*). Chief Judge Du has intimated the same line of  
23 reasoning. (*Id.* (citing *HSBC Bank USA v. Fid. Nat'l Title Grp., Inc.*, No. 2:18-cv-02162-  
24 MMD-DJA, 2021 WL 1579896, at \*1 (D. Nev. Apr. 22, 2021))). Nonetheless, Wells Fargo  
25 does not oppose a stay because of this court's inclination to stay all title insurance cases  
26 pending the *Wells Fargo II* appeal and another pending case it has with Westcor in which  
27 discovery may prove to be duplicative to the discovery here. (*Id.*).  
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1 Accordingly, based on the factors in *Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1110  
2 (9th Cir. 2005),

3 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that Westcor's motion to  
4 stay this case (ECF No. 24) be, and the same hereby is, GRANTED. This case is STAYED  
5 for all purposes pending the issuance of the mandate in the *Wells Fargo II* appeal.

6 IT IS FURTHER ORDERED that all pending motions (ECF Nos. 6, 14) are DENIED  
7 without prejudice to the parties' ability to refile them after the stay is lifted. The parties must  
8 move to lift the stay, reopen this case, and refile any motions within 30 days of the issuance  
9 of the mandate in the *Well Fargo II* appeal.

10 The clerk shall ADMINISTRATIVELY CLOSE this case.

11 DATED July 2, 2021.

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14 UNITED STATES DISTRICT JUDGE  
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